

subclass 54.1

II. Claim 9, drawn to a final composition, classified in Class 424, subclass 1+.

III. Claim 10, drawn to a method of using, classified in Class 514, subclass 2.

IV. Claims 11-20, drawn to a method of making, classified in class 530, subclass 402.

In a complete reply to the requirement of Restriction, the Applicants elect Group I, Claims 1-8, drawn to a composition, with traverse.

The Examiner has indicated that the above-identified patent application contains four distinct inventions. However, there are still two criteria that must be met for a proper requirement between patentably distinct inventions:

- (A) The inventions must be independent; and
- (B) There must be a serious burden on the Examiner if restriction is required.

(See, Section 803 of the MPEP).

In the present case, the second criterion has not been met. Indeed, the same art would need to be searched for Group II, drawn to a pharmaceutical composition comprising a mono-PEG IL-10 as was searched for Group I drawn to the mono-PEG IL-10 itself. Therefore, the co-examination of Groups I and II would not create a serious burden on the Examiner.

In fact, the inclusion of all of the claims in the above-identified application, though creating an additional burden on the Examiner, still would not create a serious burden. Indeed, though the present application includes claims to independent and/or distinct inventions the Examiner must examine the entire application on the merits since the search and examination of the entire application can be made without placing a serious burden on the Examiner (see, Section 803 of the MPEP).

Notwithstanding the above, the Examiner should minimally examine

the claim(s) of Group II in conjunction with the elected claims of Group I.

No fees are believed to arise due to this filing, however, if any fees are required, the Commissioner is hereby authorized to charge any required fees to Deposit Account No. 19-0365.

The Applicants believe that the next step in the prosecution of this Application should be in the form of a Notice of Allowance and such action is respectfully solicited.

If the Examiner should have any questions regarding this Amendment and/or patent Application, she is encouraged to contact the undersigned attorney.

Respectfully submitted,



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